



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1620

Introduced 2/23/2005, by Sen. Debbie DeFrancesco Halvorson

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-405	from Ch. 111 1/2, par. 4153-405
210 ILCS 45/3-410	from Ch. 111 1/2, par. 4153-410
210 ILCS 45/3-421	from Ch. 111 1/2, par. 4153-421
210 ILCS 45/3-423	from Ch. 111 1/2, par. 4153-423

Amends the Nursing Home Care Act. Requires that the State Long Term Care Ombudsman be provided with (1) a copy of a notice of involuntary transfer or discharge of a resident from a nursing home, (2) notice of the emergency removal of a resident from a nursing home, and (3) notice of the voluntary closing of a nursing home. Provides that the State Long Term Care Ombudsman shall have the opportunity to file a request for a hearing with the Department of Public Health within 10 days following receipt of a written notice of the involuntary transfer or discharge of a resident by a nursing home. Effective immediately.

LRB094 05905 DRJ 35959 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 Sections 3-405, 3-410, 3-421, and 3-423 as follows:

6 (210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

7 Sec. 3-405. A copy of the notice required by Section 3-402
8 shall be placed in the resident's clinical record and a copy
9 shall be transmitted to the Department, the resident, the
10 resident's representative, the State Long Term Care Ombudsman,
11 and, if the resident's care is paid for in whole or part
12 through Title XIX, ~~to~~ the Department of Public Aid.

13 (Source: P.A. 81-223.)

14 (210 ILCS 45/3-410) (from Ch. 111 1/2, par. 4153-410)

15 Sec. 3-410. A resident subject to involuntary transfer or
16 discharge from a facility, the resident's guardian or if the
17 resident is a minor, his parent, or the State Long Term Care
18 Ombudsman shall have the opportunity to file a request for a
19 hearing with the Department within 10 days following receipt of
20 the written notice of the involuntary transfer or discharge by
21 the facility.

22 (Source: P.A. 81-223.)

23 (210 ILCS 45/3-421) (from Ch. 111 1/2, par. 4153-421)

24 Sec. 3-421. In any transfer or discharge conducted under
25 subsection (e) of Section 3-415, the Department shall notify
26 the facility and any resident to be removed that an emergency
27 has been found to exist and removal has been ordered, and shall
28 involve the residents in removal planning if possible.
29 Following emergency removal, the Department shall provide
30 written notice to the facility, to the resident, to the

1 resident's representative, if any, ~~and~~ to a member of the
2 resident's family, where practicable, and to the State Long
3 Term Care Ombudsman of the basis for the finding that an
4 emergency existed and of the right to challenge removal under
5 Section 3-422.

6 (Source: P.A. 81-223.)

7 (210 ILCS 45/3-423) (from Ch. 111 1/2, par. 4153-423)

8 Sec. 3-423. Any owner of a facility licensed under this Act
9 shall give 90 days notice prior to voluntarily closing a
10 facility or closing any part of a facility, or prior to closing
11 any part of a facility if closing such part will require the
12 transfer or discharge of more than 10% of the residents. Such
13 notice shall be given to the Department, to any resident who
14 must be transferred or discharged, to the resident's
15 representative, ~~and~~ to a member of the resident's family, where
16 practicable, and to the State Long Term Care Ombudsman. Notice
17 shall state the proposed date of closing and the reason for
18 closing. The facility shall offer to assist the resident in
19 securing an alternative placement and shall advise the resident
20 on available alternatives. Where the resident is unable to
21 choose an alternate placement and is not under guardianship,
22 the Department shall be notified of the need for relocation
23 assistance. The facility shall comply with all applicable laws
24 and regulations until the date of closing, including those
25 related to transfer or discharge of residents. The Department
26 may place a relocation team in the facility as provided under
27 Section 3-419.

28 (Source: P.A. 81-223.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.